

## EDUCATION DEPARTMENT[281]

### Notice of Intended Action

#### **Proposing rule making related to supplementary weighting and providing an opportunity for public comment**

The State Board of Education Department hereby proposes to amend Chapter 97, “Supplementary Weighting,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 256.7(5).

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, 2019 Iowa Acts, chapter 101 [House File 596], and 2019 Iowa Acts, chapter 164 [Senate File 603].

#### *Purpose and Summary*

Chapter 97 outlines supplementary weighting. The proposed amendments to Chapter 97 reflect legislative changes to supplementary weighting brought about during the 2019 Legislative Session. A more detailed explanation of the proposed amendments follows:

Item 1 adds accredited nonpublic schools to the definition of “supplant,” which applies to concurrent enrollment coursework, and clarifies that supplementary weighting applies only to Iowa resident students.

Item 2 implements changes to eligibility for supplementary weighting pertaining to public school students attending community college-offered coursework resulting from 2019 Iowa Acts, chapter 164. The changes include eligibility for districts with basic educational data survey (BEDS) enrollment of less than 600 that have entered into a sharing agreement with a community college to provide one unit of coursework in science or one unit of coursework in mathematics that is used to meet accreditation standards to request supplemental weighting for that unit, provided certain conditions are met.

Item 3 implements changes to the time period for district eligibility for whole-grade sharing supplementary weighting resulting from 2019 Iowa Acts, chapter 101. This item also includes proposed changes to the items required by the Department of Education for the report of progress that districts are required to submit when requesting the second or third year of whole-grade sharing supplementary weighting. Additionally, the proposed amendment adds a process to follow in the event an election on reorganization fails to pass after the school budget review committee (SBRC) has approved a district’s application for whole-grade sharing supplementary weighting.

Item 4 implements changes resulting from 2019 Iowa Acts, chapter 164, that create a weighting for accredited nonpublic schools that access concurrent enrollment coursework through an agreement directly with a community college. This weighting is used to generate payment to a community college subject to an appropriation to the Department of Education for this purpose.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

An agencywide waiver provision is provided in 281—Chapter 4.

### *Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on October 29, 2019. Comments should be directed to:

Nicole Proesch  
Department of Education  
Grimes State Office Building, Second Floor  
Des Moines, Iowa 50319-0146  
Phone: 515.281.8661  
Email: [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov)

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 29, 2019  
2 to 3 p.m.

State Board Room, Second Floor  
Grimes State Office Building  
East 14th Street and Grand Avenue  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **281—97.1(257)**, definitions of “Supplant” and “Supplementary weighting plan,” as follows:

“*Supplant*” shall mean the community college’s offering a course that consists of substantially the same concepts and skills as the content of a course provided by the school district or accredited nonpublic school or the community college’s offering a course that is required by the school district or accredited nonpublic school in order to meet the minimum accreditation standards in Iowa Code section 256.11. If a student is unable to earn credit in both courses, then the two courses would be deemed similar enough in content and skills to be defined as supplanting.

“*Supplementary weighting plan*” shall mean a plan as defined in this chapter to add a weighting for each eligible Iowa resident student ~~eligible~~ who is enrolled in an eligible class taught by a teacher employed by another school district or taught by a teacher employed jointly with another school district or sent to and enrolled in an eligible class in another school district or sent to and enrolled in an eligible community college class. The supplementary weighting for each eligible class shall be calculated by multiplying the fraction of a school year that class represents by the number of eligible Iowa resident students enrolled in that class and then multiplying that figure by the weighting factor established in Iowa Code chapter 257.

ITEM 2. Amend subrule 97.2(5) as follows:

**97.2(5) Attend class in a community college.** All of the following conditions must be met for any Iowa resident public school student attending a community college-offered class to be eligible for supplementary weighting under paragraph 97.2(1) “d.”

a. The course must supplement, not supplant, high school courses.

(1) For purposes of these rules, to comply with the “supplement, not supplant” requirement, the content of a course provided to a high school student for postsecondary credit shall not consist of substantially the same concepts and skills as the content of a course provided by the school district.

(2) The course must not be used by the school district in order to meet the minimum accreditation standards in Iowa Code section 256.11(5) “a” to “j,” ~~with an exception to the career and technical limitation applicable to Iowa Code section 256.11(5) “h.”~~ 256.11(5) “b,” “c,” “f,” “g,” “i,” and “j.”

(3) A school district with total basic educational data survey enrollment of not more than 600 that contracts with a community college to provide one unit of science required in Iowa Code section 256.11(5) “a” or one unit of mathematics required in Iowa Code section 256.11(5) “d” or “e” and any of the three required sequential units in any one of the four career and technical education service areas identified as the district’s career and technical program required in Iowa Code section 256.11(5) “h” may request supplementary weighting for any community college course within one of the four service these subject areas if the district’s enrollment in the course enrollment or courses comprising the unit exceeds five. Additionally, for the science or mathematics unit, the following conditions must be met:

1. The school district has made every reasonable and good faith effort, as defined in Iowa Code section 279.19A(9), to employ a teacher licensed under Iowa Code chapter 272 for the unit of science or mathematics and is unable to employ such a teacher.

2. The course or courses comprising the one unit are offered during the regular school day.

3. The course or courses comprising the one unit are made accessible to all eligible pupils by the school district.

b. to h. No change.

ITEM 3. Amend rule 281—97.5(257) as follows:

**281—97.5(257) Supplementary weighting plan for whole-grade sharing.**

**97.5(1) Whole-grade sharing.** A school district which participates in a whole-grade sharing arrangement executed pursuant to Iowa Code sections 282.10 to 282.12 and which has adopted a board resolution to study dissolution or has adopted a board resolution jointly with all other affected boards to study reorganization to take effect on or before July 1, 2019 2024, is eligible to assign a weighting of one-tenth of the fraction of the school year during which resident pupils attend classes pursuant to ~~subrule 97.2(1),~~ paragraph 97.2(1) “a,” “b,” or “c.” A school district participating in a whole-grade sharing arrangement shall be eligible for supplementary weighting under this subrule for a maximum of three years. Receipt of supplementary weighting for the second year and for the third year shall be conditioned upon submission of information resulting from the study to the school budget review committee indicating progress or continued progress toward the objective of dissolution or reorganization on or before July 1, 2019 2024.

**97.5(2)** No change.

**97.5(3) Consecutive years.** A school district that is eligible to add a supplementary weighting for resident students attending classes under a whole-grade sharing arrangement pursuant to subrule 97.5(1) is not required to utilize consecutive years. However, the final year in which a supplementary weighting may be added on October 1 for this purpose shall not be later than the school year that begins July 1, 2018 2023.

**97.5(4) and 97.5(5)** No change.

**97.5(6) Filing progress reports.** Each school district that assigned a supplementary weighting to resident students attending class in a whole-grade sharing arrangement and that intends to assign a supplementary weighting to resident students attending class in a whole-grade sharing arrangement in the any year following the initial year for which supplementary weighting for whole-grade sharing was approved shall file a report of progress toward reorganization with the school budget review committee,

on forms developed by the department of education, no later than August 1 preceding October 1 on which date the district intends to request the second or third year of supplementary weighting for whole-grade sharing.

a. The progress report shall include, ~~but not be limited to,~~ the following information:

(1) Names of districts with which the district is studying reorganization.

(2) Descriptive information on the whole-grade sharing arrangement.

~~(3) If the district is studying dissolution, information on whether public hearings have been held, a proposal has been adopted, and an election date has been set.~~

(4) (3) If the district is studying reorganization, information on whether public hearings have been held, a plan for reorganization has been approved by the AEA, and an election date has been set.

~~(5) Description of joint activities of the boards such as planning retreats and community meetings.~~

~~(6) Information showing an increase in sharing activities with the whole-grade sharing partners such as curriculum offerings, program administration, personnel, and facilities.~~

b. The report must indicate progress toward a reorganization or dissolution to occur on or before July 1, 2019 2024. Indicators The indicators of progress may include, but are not limited to:

(1) Establishing substantially similar salary schedules or a plan by which the sharing districts will be able to develop a single salary schedule upon reorganization. For the second year of supplementary weighting, establishing a reorganization committee.

(2) Establishing a joint teacher evaluation process and instruments. For the third year of supplementary weighting, having an AEA-approved plan for reorganization and a date set for an election on the proposed reorganization.

~~(3) Developing a substantially similar continuous school improvement plan (CSIP) with aligned goals including a district professional development plan.~~

~~(4) Increasing the number of grades involved in the whole-grade sharing arrangement.~~

~~(5) Increasing the number of shared teaching or educator positions.~~

~~(6) Increasing the number or extent of operational sharing arrangements.~~

~~(7) Increasing the number of shared programs such as career, at risk, gifted and talented, curricular, or co-curricular.~~

~~(8) Increasing the number of joint board meetings or planning retreats.~~

~~(9) Holding regular or frequent public meetings to inform the public of progress toward reorganization and to receive comments from the public regarding the proposed reorganization.~~

~~(10) Adopting a reorganization or dissolution proposal.~~

~~(11) Setting proposed boundaries.~~

~~(12) Setting a date for an election on the reorganization or dissolution proposal.~~

c. The school budget review committee shall consider each progress report at its first regular meeting of the fiscal year and shall accept the progress report or shall reject the progress report with comments. The reports will be evaluated on demonstrated progress within the past year toward reorganization or dissolution.

d. A school district whose progress report is not accepted shall be allowed to submit a revised progress report at the second regular meeting of the school budget review committee. The committee shall accept or reject the revised progress report.

e. If the school budget review committee rejects the progress report and the district does not submit a revised progress report or if the school budget review committee rejects the revised progress report, the school district shall not be eligible for supplementary weighting for whole-grade sharing but may reapply in a subsequent year.

f. In the event that an election on reorganization fails to pass after the school budget review committee has approved a district's application for whole-grade sharing supplementary weighting and prior to January 1 of the year in which the reorganization was to take effect, a district may rescind the request for whole-grade sharing supplementary weighting by submitting a request to the school budget review committee asking to withdraw the application. The request to withdraw the application must be completed no later than one week prior to the committee's second regular meeting.

ITEM 4. Adopt the following new rule 281—97.8(261E):

**281—97.8(261E) Concurrent enrollment program contracts between accredited nonpublic schools and community colleges.** For the purpose of determining funding to the community college, subject to an appropriation to the department for this purpose, a student enrolled in a unit of concurrent enrollment coursework offered through a contract by an accredited nonpublic school with an Iowa community college pursuant to Iowa Code section 261E.8(2) as amended by 2019 Iowa Acts, chapter 164, shall be counted as if the student were assigned a weighting as described in subrule 97.2(5).

**97.8(1) Eligibility.** All of the following conditions must be met for any Iowa resident accredited nonpublic school student attending a community college-offered course offered through a contract with an accredited nonpublic school to be eligible for funding under Iowa Code section 261E.8(2) as amended by 2019 Iowa Acts, chapter 164.

*a.* The course must supplement, not supplant, high school courses.

(1) For purposes of these rules, to comply with the “supplement, not supplant” requirement, the content of a course provided to a high school student for postsecondary credit shall not consist of substantially the same concepts and skills as the content of a course provided by the accredited nonpublic school.

(2) The course must not be used by the accredited nonpublic school in order to meet the minimum accreditation standards in Iowa Code section 256.11(5) “*b*,” “*c*,” “*f*,” “*g*,” “*i*,” and “*j*.”

(3) A nonpublic school accredited under the standards required pursuant to Iowa Code section 256.11 with a total basic educational data survey enrollment in grades 9 through 12 of not more than 200 that contracts with a community college to provide one unit of science required in Iowa Code section 256.11(5) “*a*” or one unit of mathematics required in Iowa Code section 256.11(5) “*d*” or “*e*” and any of the five units of career and technical education required in Iowa Code section 256.11B may request weighting for any community college course if the accredited nonpublic school’s course enrollment exceeds five.

*b.* The course must be included in the community college catalog or an amendment or addendum to the catalog.

*c.* The course must be open to all registered community college students, not just high school students.

*d.* The course must be for college credit, and the credit must apply toward an associate of arts or associate of science degree, or toward an associate of applied arts or associate of applied science degree, or toward completion of a college diploma program.

*e.* The course must be taught by an instructor employed by or under contract with the community college who meets the requirements of Iowa Code section 261E.3(2).

*f.* The course must be taught utilizing the community college course syllabus.

*g.* The course must be taught in such a manner as to result in student work and student assessment which meet college-level expectations.

*h.* The course must not have been determined as failing to meet the standards established by the postsecondary course audit committee.

**97.8(2) Reporting and billing.** An accredited nonpublic school that enters into a contract for concurrent enrollment courses shall submit student and course information as determined by and according to the timeline established by the department of education. The community college and accredited nonpublic school shall verify the submitted information by semesters or the equivalent. Projected supplementary weighting calculations will be available midyear, but payments to community colleges will not be disbursed until final costs are known at the end of the school year. Community colleges will not bill the accredited nonpublic school until all calculations of supplementary weighting for accredited nonpublic schools are completed.